

Board of Commissioners

July 19th, 2011 --1 p.m.

Meeting called to order by President Gogel. Parties present are as follows: Gogel, Logsdon, Toler, Board Attorney Lindsey, Auditor Lynam, Hwy Superintendent Painter and Engineer Lloyd.

Minutes

July 5th, 2011 minutes; Toler made a motion to approve with removing "Gogel and" under Huffman Mill first line. Logsdon seconded. All were in favor.

Clerk

Gay Ann Harney came before the commissioners to discuss her census and re-precinct letter extension request. Harney stated to the board that there is a possible error in the present precinct boundaries. Harney stated she needed time to research in the form of an extension before the filing deadline of August 2nd, 2011 because when she files the lines will be set and cannot be changed for 10 years. Logsdon moves that the county commissioners notify the Indiana Election Division in writing there might be a possible error in the precinct boundaries in Spencer County. Toler seconded. All were in favor. Harney asked the commissioners to execute a form titled "Notice of the Spencer County Commissioners of Errors with Precinct Boundaries". The commissioners executed the document. Harney presented to the commissioners a document showing 12467, total active voters of the Spencer County Districts. On this document it showed the breakdown of active voters per County Council Districts and County Commissioners Districts. Harney stated nothing has to be done at this point. There was discussion. Commissioners decided to take this under advisement in approving this documentation at this time. Harney presented to the commissioners a notice to voters for execution designating the polling places for the November 8, 2011 general election. Logsdon made a motion to approve the "Notice to Voters" presented by county clerk Harney. (Harney had recommended that the commissioners move voters from 0013 Harrison 2 due to there only being 6 voters that would be voting at that location.) Toler seconded. All were in favor.

Health Insurance

Carolyn Beck and Pete Franzman came before the commissioners. Beck presented the commissioners with the revised Amendment 5 along with the summary for their review and execution. These changes are required by the health care reform law and are mandated at first renewal of health insurance. The counties renewal date is August 1 of each year. Logsdon made a motion to adopt Amendment 5. Toler seconded. All were in favor. Beck will email a copy of Amendment 5 to the Auditor. Franzman presented information to the commissioners concerning the Spencer County Employees Proposed COBRA Rates as of 7/8/2011. There was discussion. The rates are computed by taking the fixed costs plus maximum claims divided by the number of people times 2% (Administration costs) to arrive at the maximum rates. Toler made a motion to adopt the Maximum COBRA Rates. Logsdon seconded. All were in favor. These rates will go into effect within 60 days. If someone ends their employment with the county they can stay on the counties insurance for 18 months. Document executed by commissioners to confirm this motion. Logsdon discussed the need for a comparison sheet for the first three months of the TrueRx and CVS prescription drug companies. Beck stated she will have that at the first quarter reporting. Buehler Hometown IGA was recommended to be added by Logsdon. There was discussion. Logsdon will investigate this further. This will be tabled and discussed at the August 2nd 2011 commissioners meeting.

Highway Report

Highway Superintendent Painter stated that J. H. Rudolph will begin paving July 22, 2011 on Old State Road, then July 25th, 2011 County road 1000 N. County Road 450 will be next. Paving foremen will get with Painter Wednesday or Thursday to drive the route to see if there are any special spots that need to be looked at prior to paving the roads. Painter stated that there have been requests to borrow county equipment.

Engineer Report

CR 450W/975N/475W/1060N

Engineer discussed with the commissioners a new law "Buy Local Provision" (effective July 1, 2011) HB 1004 that was brought to the boards attention at their last meeting. Logsdon made a motion to add "Letter of Preference" to all bids from this day forward. Toler seconded. All were in favor. There was discussion. E & B Paving supplied "Letter of Preference" to the engineer prior to meeting. The statute was read by the county attorney and there was discussion from all parties in the room on their thoughts. Toler made a motion to accept lowest bid for CR

450W/975N/475W/1060N to E & B Paving for \$193,400. Logsdon seconded. All were in favor. There was more discussion on the clarification that might be needed for future bids as to "what is a local business".

INDOT

Lloyd discussed a road bond application from E.S. Wagner (a contractor that is working on the INDOT Chrisney Lake project). The county had requested INDOT to treat this project the same way county treats the unofficial detours by putting together a memorandum of agreement and to follow that same process. INDOT disagreed since the county has a system in place to bond the road. E.S. Wagner was then notified by INDOT to bond the road. Lloyd started this process of bonding the road and found out that the road is longer than first proposed to Painter. Lloyd stated all the paperwork is in place the last step is for the commissioners to approve it. Logsdon asked Lloyd for her recommendation. Lloyd stated the only red flag she could see is that E.S. Wagner will be travelling about ½ of a mile on the newly paved road 1000N. There was discussion. The Chrisney project will take approximately 6 weeks. There was discussion having J.H. Rudolph to delay in the paving of 1000N until around September until the Chrisney project was completed. No one wanted to delay J.H. Rudolph. The Total amount of the bond is for \$187,100, with a cash bond \$37,420 and a surety bond of \$148,680. There was more discussion. Lloyd will talk to J.H. Rudolph to request this delay and will report back at the August 2, 2011 meeting. Logsdon made a recommendation to Lloyd to work with Attorney Lindsey, Gogel, and Painter and then to report to Toler and Logsdon the outcome.

Vehicle Liability

Coroner Fuller had contacted Chris Middleton of Amenity Insurance on vehicle liability concerns that Fuller and others have. Middleton was present in the meeting and addressed the concerns that Fuller stressed to her in her office prior to the meeting, since Fuller and others were driving their own vehicles in the line of duty for the county. Middleton advised the board that the county does in fact have vehicle liability coverage for employees driving their own vehicles for county business. The CAO4 endorsement provides physical damage restitution to volunteers or employees using their personal auto on behalf of county business. The restitution is in the form of up to \$500 dollars of the deductible on the volunteers/employees insurance policy. Counties cannot afford to purchase county vehicles. The volunteer/employee policy is primary. County has option to request liability exposure.

Hydraulic man lift is covered for fire, theft, or collision. The county has a specific driver list to arrive at a rate. If someone borrows the counties equipment the county opens itself up to equipment and other physical damage. There would need to be a contractual agreement with the person, holding them harmless of repair or damage and a certificate of insurance and to indemnify the county. This would give some control to the county. There needs to be some guidelines put into place. Also, OSHA may have training requirements. The board stated they would take this under advisement. Logsdon spoke about another county that reduced their coverage from full coverage to current value of which they saved county dollars by doing this. Middleton stated that she would bring details at renewal on reducing our coverage for review by commissioners.

Maintenance Man

Toler made a motion to hire Milton Pledger for the counties new part-time maintenance man. Logsdon seconded. All were in favor. Pledger will start in approximately 2 weeks.

Property Maintenance Violation -- 9052 W. Parker Street Hatfield Indiana

Deborah Steinkamp director of the Spencer County Solid Waste Management District came before the commissioners to discuss the Spencer County Property Maintenance Ordinance 2008-14. Glenn Watkins has received a notice of violation and has been found to be in violation of county ordinance for the second time within two calendar years of the previous violation. Per Section 9.10 the second violation is subject to a \$200 dollar fine. Steinkamp advised the board of violation in today's public meeting along with pictures of the property. Required certified notification was returned however the regular letter mailed was not returned. There has been no response from husband or wife in this matter. Logsdon found property in violation of county ordinance. Toler seconded. All were in favor. All charges now and prior incurred by county will be charged to the landowner in this clean up.

Town of Santa Claus

Kevin Patmore updated the commissioners about the proposed route that the Town of Santa Claus is exploring for the expansion of its bicycle/pedestrian trails to supplement its current trail at Yellig Park. Just as a reminder.

Patmore came to our May 02, 2011 commissioner meeting and spoke on the Town of Santa Claus's discovery of the

existence of the American Discovery Trail ("ADT"), a demarked trail from Delaware to California, which happens to pass through our County, the Town, the Park and Memorial. Continuing East from the Town of Santa Claus, the ADT also passes through Fulda and Saint Meinrad before going on to connect with the Hoosier National Forest Trail system. Currently, the U.S. Department of Transportation opened funding under the Paul S. Sarbanes Transit in Parks Program, which can provide up to \$3,000,000.00 to fund alternative transportation projects in and around National Parks Service properties. Patmore stated that local matches are not required but it does show support for the project which in turn is helpful when applying for the federal funding. Currently, there is about \$50,000 dollars in local business support. Patmore stated that he should know more in August, 2011 on one of the grants that has been applied for and then in October, 2011 more will be known on the other two grants that have been applied for. All three are Federal grant requests. No money is needed this year. Construction would not start until next year if funded. If the Federal government says they approve your grant they will send you \$3 million dollars. This grant is 100% funded. The local funding of this grant is to increase the ranking of grant. There was more discussion. Patmore stated they are working on every avenue they can and currently have \$12 million in outstanding grant dollars. Logsdon asked to take under advisement. Gogel stated we will sleep on this and see what we can do to help move this forward.

Appointment

Kevin Patmore requested an appointment for the Common construction wage board. Patmore stated they will be meeting on Friday of this week. There are several projects that have been held up due to this new law. This appointment must be someone from the Town of Santa Claus. Logsdon recommended Bob Bates and as an alternate Don Snyder. Toler seconded. All were in favor.

Petition for Reaffirmation for Rezoning

Eileen Woolsey, with Wetherill Law firm came before the commissioners with a request to approve the petition for reaffirmation for rezoning for David A. Hevron, personal representative of the estate of Joe A. Hevron. The remaining detail to complete was a legal survey. The legal survey has been completed. This petition is made and presented to induce the Spencer County Board of Commissioners to reaffirm the prior vote of January 22, 2004, and direct the Auditor of Spencer County to alter the zoning maps to reflect the described real estate from R-1 to Agricultural. Toler stated based on the recommendation of Woolsey's representation of the Wetherill Law firm of the legal survey being completed for the rezoning of Joe A. Hevron and witnessed documentation to the fact prepared by Kenneth R. Brosmer on June 16, 2011 (Reg. Land Surveyor No. LS80880037 - State of Indiana). Toler made a motion to approve. Logsdon seconded. All were in favor.

WTH

Logsdon stated that he attended the workshop on July 11, 2011 and from the excitement Logsdon stated he felt it would be a very positive move if the council could find the funds for this online GIS service of Spencer County. Gogel and Toler both were favorable for the service. Gogel stated cost is \$300 per month and we would have 6 months. Commissioners would have to request \$1,800 dollars in the form of an additional out of the county general fund. Logsdon made a motion to ask for additional funding for this service. Toler seconded. All were in favor. Gogel requested Auditor to get this advertised for the August 16, 2011 council meeting.

New Updated Road Mapping – Spencer County

Auditor stated that along that line she had spoken to Ann Jochim, with WTH, after a request from Katie Richards at Jail, for information and pricing on updated mapping of the county roads and highways. No fly over is needed to obtain this information. Auditor gave to the commissioners data acquired. The cost to get the data ready for the printer is under \$7,000 dollars. No information had been received on the printing cost to date. It was tabled until next meeting.

Community Wide Grant

Scott Meadors came before the board and stated wage rates for all classifications would need to be established. At Wage hearing on July 7th, 2011 the vote was dead-locked at 2 -- 2 per Attorney Lindsey. No wage rates were established. It was a five member board. The ABC representative did not attend. Since wages were considered but not approved the commissioners now have a right to set the wage rate. The commissioners have to pick the most common mode, set of wages in the county for construction. If the commissioners adopt the ABC (Associated Builders & Contractors of Indiana) Wage Scale the contractors can pay more than the wage scale. (Commissioners

are setting a floor or minimum) By adopting it today the next three months projects, like the paving projects Phase II (950N, 300E, 200S, 1075, Kelly Log Homes) and any other emergency that may arise in the next 90 days will be subject to these wage rates. Logsdon asked attorney Lindsey if by adopting the Associated Builders & Contractors of Indiana wage scale (as presented) as the base wage for any and all projects for the next 90 days the commissioners are not taking an anti-organized labor stance, because they can pay organized labor scale if they wish to. Attorney Lindsey stated yes that is correct. Logsdon moved to approve the ABC wage scale for the installation and relocation of the communication radio towers and any other construction necessary in the next 90 days. Toler seconded. All were in favor. All the bid specs for the communication towers were completed and presented to the commissioners for their review. A copy was given the Auditor for distribution to bidders. Bids will be opened on August 16th, 2011.

Health Insurance

Auditor's office has enough funds to end the 2011 year for the renewal. Toler made a motion to request the council to act on an additional appropriation out of Rainy Day Fund in the amount of \$200,000 dollars for Health Insurance account due to more claims than anticipated in previous year's budget. Logsdon seconded. All were in favor. Commissioners recessed for 5 minutes.

St. Meinrad Utilities

Mike Cummings came before the board to discuss the St. Meinrad water tower project. The application for grant approval was not awarded. The Utilities will be applying again for the water tower project and is requesting the counties support again. Cummings stated the proposal is due to be sent in if approved by the commissioners on July 22, 2011. There will be a public hearing prior to application deadline of September 30, 2011. The scope of the project has increased. New proposal includes meter upgrades and replacements. Previous application amount was \$868,000 this time it is \$1,010,000. Cummings requested the counties additional support of \$35,000 to be added to the previous amount of \$66,000 (COIT funds) making the counties 10% match to be \$101,000. If awarded on December 9th 2011, the construction would begin early next summer. The money would not need to be funded until June 2012 or possibly 2013. The money is needed at the time of the close of the project. The grant allows 18 months completing the project. Gogel moved to sponsor and to support St. Meinrad Utilities Water Tower project. Toler seconded. All were in favor. Cummings will send copies of executed documents to the Auditor. Logsdon made a motion to increase the financial commitment from COIT from \$66,000 dollars to \$101,000. Toler seconded. All were in favor. The public meeting will be held at the St. Meinrad community center on Thursday, September 16, 2011 time to be determined.

Joint Meeting with Council began

All commissioners and council (except Matthew Knepper) were present.

Presentation was given by Spencer County Regional Chamber of Commerce and The Indiana Primary Health Care Association. Mark Gayhart the chamber chairman came before the board of commissioners and councilmen to discuss the health care concerns of Spencer County residents. Gayhart stated after the first of 2011 the Chamber was approached by Indiana Primary Health Care Association to discuss the Health care needs of Spencer County. During the initial meeting the Chamber found that Spencer County was already designated as an under served county. After meetings with Chamber of Commerce Board of Directors, some of our City and Town officials and some of the area hospitals, they found that there was indeed interest in a Federal Funded Health Care Center. Gayhart discussed the chambers role in this matter. Small Business member, Danita Grosvenor with Amenity Insurance discussed the ECHO Community Health Care, Inc. system (a Federally Funded Health Care Facility in Evansville) and the benefits of this type of center for Spencer County. Then, Program Director, Elaine Williams with Indiana Primary Health Care Association discussed the grant and funding process. After all listened to the presentation there was discussion. It was very positive in all aspects of the presentation. A Federally Qualified Health Center is a not-for-profit organization with board of directors made up of 51 percent users of the health center. The Center must provide comprehensive primary and preventive health care to all regardless of ability to pay. Primary care must be available for all life cycles and both sexes, and must provide on-site, or through contract arrangements, dental and behavioral health services. Some benefits of the clinic would be that it is an annual federal grant. The first year's funding is capped at \$650,000. There are opportunities to increase funding in the future if patient demand is great. The clinic will receive a prospective payment for Medicaid and Medicare patient encounters. Many health centers receive as

much reimbursement from Medicaid as their federal grant. The clinic is covered by the Federal Tort Claims Act and has access to the 340B Drug Program. FQHCs (Federally Qualified Health Centers) have access to drugs at substantially discounted prices for their patients. Documentation was given for further review. Gayhart asked if a committee could be set up to begin to look further into this process and to possibly move forward. There was no opposition. Spaetti stated maybe one commissioner and one councilman could work with the chamber... Logsdon stated since he was retired he would volunteer. Logsdon stated a person from child and family services should be on this board. The county is not responsible for constructing a building. The Not-For-Profit 501C3 will build its own building.

Adjourned

Toler made a motion to adjourn. Logsdon seconded. All were in favor.

Board of Commissioners meeting adjourned at 5:00 p.m.

President

Attest:

Donna J. Lynam, Auditor